



A BILL FOR AN ORDINANCE

RELATING TO SOLID WASTE.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to establish a curbside recycling pilot project and program; to provide for a fee for households with once-a-week refuse and recycling collection that also require a second day per week of refuse collection; and to provide a fee for damages to city-provided carts.

SECTION 2. Section 9-1.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 9-1.3 Collection of refuse and recyclable materials by the division.

- (a) The division shall have charge of and shall administer the collection and disposal of [refuse.] refuse and the collection and processing of recyclable materials as designated by the director. No refuse shall be collected from any building or place when:
- (1) The owner thereof has made provision for refuse collection by the owner's own vehicles or by a licensed collector.
 - (2) The owner thereof has installed or provided the premises with private incineration equipment or other refuse disposal facilities which have been approved by the director as being adequate and safe and which have been approved by the state department of health as conforming to the provisions of HRS Chapter 322, relating to nuisances and sanitary regulations.
- (b) Any refuse or recyclable materials removed by the city and any solid waste accepted by the city shall become the property of the city."

SECTION 3. Section 9-1.4, Revised Ordinances of Honolulu 1990, is amended to read as follows:



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"Sec. 9-1.4 Preparation and placement of refuse and recyclable materials by owner.

- (a) The types of refuse and recyclable materials hereinafter described shall be prepared for collection as follows:
- (1) In areas provided with manual collection, tree branches set out for collection shall not exceed nine inches in diameter and green waste shall be cut into lengths not exceeding three feet. All green waste shall be tied in bundles which shall not weigh more than 50 pounds each or prepared in a manner determined by the director in accordance with Section 9-1.12(b)(3). In areas with automated green waste collection, green waste shall be placed in the city-provided green waste cart as designated by the director such that the cart lid fully closes.
 - (2) In areas provided with manual collection, all empty cardboard and other fibrous cartons, wooden boxes and crates, and other similar empty containers shall be flattened and securely tied in bundles not exceeding three feet in length nor weighing more than 50 pounds each. In areas with automated mixed recyclable materials collection, all empty corrugated cardboard boxes shall be flattened and placed in the city-provided mixed recyclable materials cart as designated by the director such that the cart lid fully closes.
 - (3) All other refuse except that mentioned in subdivisions (1) and (2) of this subsection shall be placed in [city-issued carts,] city-provided refuse carts as designated by the director, or in areas provided with manual collection, in durable or nondurable containers described as follows:
 - (A) Durable Containers. The interior surface of the container shall be smooth with no projections and the top diameter shall be equal to or larger than the bottom diameter. The container shall have a capacity of at least 10 gallons but not more than 35 gallons. The maximum weight of an empty container shall be 25 pounds. The maximum weight of a filled container shall be 75 pounds. Every container holding any garbage shall have a tight fitting lid.
 - (B) Nondurable Containers. Nondurable containers made of plastic film, paper or cardboard may be used if such containers are able to contain their contents securely at all times. The maximum weight



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for filled nondurable containers shall be 50 pounds. Such containers shall be collected together with their contents.

- (4) All rubbish consisting of ashes, powders, dust, sawdust, broken bottles, glass or china or other materials likely to cause injury to persons collecting the same shall be securely wrapped or contained before being placed in the [container.] city-provided refuse cart as designated by the director for automated collection or in the resident-provided container for manual collection.
- (5) Except for food waste that the director designates as a recyclable material, garbage shall be drained and securely wrapped before being placed in the container.
- (6) Recyclable materials designated by the director, except newspaper or other paper which is used to wrap or hold garbage or other refuse not designated as recyclable materials, shall [not] be prepared or placed in the [same container which holds refuse or in a manner which causes or is intended to cause the collection of recyclable materials with refuse] city-provided mixed recyclable materials cart as designated by the director and shall be collected under procedures determined by the [chief.] director.
- (b) On or the evening before the scheduled day of collection, all refuse, green waste, and other recyclable materials as designated by the director prepared for collection as hereinabove provided, shall be placed within the sidewalk area, which is the area located between the curb or, in the absence of a curb, the edge of the asphalt pavement, and the property line boundary of the public roadway in a location readily accessible to the collector. The lateral location for each owner's refuse within the sidewalk area shall be limited to the street frontage abutting the owner's property or where approved by the division. In apartment and business districts, refuse, green waste, and other recyclable materials as designated by the director may be placed within 20 feet of the curb, as defined in this subsection. Refuse, green waste, and other recyclable materials as designated by the director may be placed for collection within the sidewalk area (as defined in this subsection) of private roads and nonstandard private roadways when all of the following conditions are met:
 - (1) All of the residents along the roadway shall want such collection;
 - (2) The roadway shall serve at least three residences;



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- (3) The roadway shall have an unobstructed width of at least 12 feet not including parking lanes;
- (4) Horizontal and vertical curves of the roadway shall meet subdivision standards;
- (5) Maximum roadway grade shall not exceed 19 percent;
- (6) The owners of the roadway shall provide and maintain an all-weather road surface;
- (7) The roadway shall have an adequate turnaround. If there is no turnaround, reversing of the truck shall not exceed a distance of 100 feet; and
- (8) Reversing on a grade exceeding 10 percent shall not be required.
- (c) Containers shall not be left on the street or sidewalk area after the day of collection. In cases of hardship, as determined by the director, automated carts may be left on the street or sidewalk area.
- (d) Bulky wastes shall be collected under procedures determined by the [chief.] director. Bulky wastes shall be placed on the street or sidewalk for collection no earlier than the evening before the scheduled day(s) of collection.
- (e) Three cubic yard containers designed for mechanical handling, if used, shall not be placed within the sidewalk area, but shall be placed within the property to be served in locations directly accessible to the pickup forks of the collection truck. Access roadway requirements for the collection of three cubic yard containers shall be that required for collection on private roads and nonstandard private roadways as provided in subsection (b) of this section, except that maximum roadway grade shall not exceed 12 percent."

SECTION 4. Section 9-1.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 9-1.5 Limitations to collection by refuse crews.

The division shall not collect:



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- (a) Any soil, rock, concrete, explosives, liquids, radioactive materials, construction debris, demolition debris, commercial cooking oil waste, or commercial FOG waste; except that used oil may be collected under a curbside collection service established pursuant to Section 2-8.2;
- (b) Any refuse, green waste, and other recyclable materials as designated by the director not prepared for collection as provided by Section 9-1.4;
- (c) Any refuse, green waste, and other recyclable materials as designated by the director not placed for collection as provided by Section 9-1.4;
- (d) Any rubbish consisting of tree branches, plant cuttings, vines and other similar materials exceeding one cubic yard in volume for any single regular collection[;]
in manual collection areas;
- (e) Any refuse, green waste, and other recyclable materials as designated by the director placed for collection in a place which is unsafe or is likely to cause injury to the persons collecting said [refuse;] refuse, green waste, and other recyclable materials; or
- (f) Any refuse from any business where the owner thereof shall have failed to pay the service charges hereinafter provided."

SECTION 5. Section 9-1.6, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 9-1.6 Disturbing receptacles prohibited.

No person shall:

- (a) Remove or disturb any refuse, green waste, and other recyclable materials as designated by the director from the place where the same has been placed for collection;
- (b) Collect or haul away any refuse, green waste, and other recyclable materials as designated by the director from the place where the same has been placed for collection;



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- (c) Transport any refuse[;], green waste, and other recyclable materials as designated by the director; provided, that authorized persons may remove, disturb, collect, haul away or transport any refuse from the place where the same has been placed for collection. For purposes of this section, "authorized persons" shall mean:

- (1) Owner;
- (2) Division employees during authorized working hours; or
- (3) Licensed collector."

SECTION 6. Section 9-1.10, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 9-1.10 Recycling pilot project.

- (a) The department [of public works] shall establish a recycling pilot project in accordance with this section. The purpose of the pilot project shall be to test the feasibility and cost-effectiveness of recycling, rather than disposing, certain [refuse] materials introduced into the disposal system.
- (b) Under the pilot project, the department:
- (1) Shall select areas of the city within which the pilot project shall be implemented;
 - (2) Shall require the owners or occupants of residences and businesses within the selected areas to separate types of recyclable [refuse] materials specified by the director from other types and other refuse;
 - (3) Shall collect the recyclable [refuse] materials under procedures separate from the procedures for collection of other refuse. Recyclable [refuse] materials may be collected at lesser intervals than the intervals for collection of other refuse;
 - (4) Shall not impose a charge for collecting the recyclable [refuse:] materials;
 - (5) May transport the recyclable [refuse] materials to a designated disposal facility or other city facility for storage prior to sale or cause the recyclable



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- [refuse] materials to be transported directly to the facility of a person engaged in the business of recycling or in the conversion of recyclable [refuse] materials to new products;
- (6) Shall sell the recyclable [refuse] materials to a person engaged in the business of recycling or in the conversion of recyclable [refuse] materials to new products. Revenues derived from the sale of recyclable [refuse] materials shall be a realization of the [general fund;] solid waste special fund;
- (7) Shall not dispose of the recyclable [refuse] materials by incineration or placement in a landfill except in an emergency situation or when no viable markets are available; [and]
- (8) May impose the fine under Section 9-5.1, after at least two warnings, upon an owner or occupant who refuses or neglects to separate recyclable [refuse] materials in the manner established by the department[.]; and
- (9) May designate a selected area in which the minimum charge set forth in subsection (h) shall apply.
- (c) The department may contract with a private person to collect, store, sell or transport the recyclable [refuse] materials on behalf of the department. If determined desirable by the department, the person contracted shall not have to be a licensed collector. [Any contract shall be subject to the approval of the council prior to execution.]
- (d) To implement the pilot project in the most feasible and cost-effective manner, the department may alter or waive the provisions under the following:
- (1) Section 9-1.4, concerning the preparation and placement of [refuse;] refuse and recyclable materials;
- (2) Section 9-1.5(b) and (c), concerning the prohibition on the collection of refuse and recyclable materials not prepared or placed in accordance with Section 9-1.4;
- (3) Section 9-1.6, concerning persons authorized to collect refuse, but only to authorize a contractor who is not a licensed collector to collect recyclable [refuse;] materials;



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- (4) Article 2 of this chapter, concerning the licensure of collectors of refuse, but only to the extent of waiving the licensure requirements and conditions for a contractor collecting recyclable [refuse;] materials;
- (5) Section 9-3.1, concerning the preparation and placement of refuse by a business for collection;
- (6) Section 9-3.2, concerning the preparation and placement of refuse by an owner of a private dwelling for collection; and
- (7) Section 9-4.1, concerning the collection charge for businesses.

If the department makes any alteration or waiver authorized under this section, the department shall notify the council at least 30 days prior to the effective date of the alteration or waiver.

- (e) [Planning activities for the pilot project may commence from the effective date of the ordinance codified in this section. Implementation of the separate collection procedures for recyclable refuse] The recycling pilot project shall [commence on or before July 1, 1990 and] terminate on or before [June 30, 1991.] January 31, 2009.
- (f) [Upon] No later than June 30, 2008, the department shall prepare and submit to the council an interim report on the project. No later than 60 days following the termination of the pilot project, the department shall prepare and submit to the council a final report. [The] Each report shall evaluate:
 - (1) The difference in the cost of collection and disposing of recyclable [refuse] materials by incineration or placement in a landfill and the cost of collecting and recycling the recyclable [refuse;] materials;
 - (2) The cost-benefit of recycling the recyclable [refuse] materials compared to disposal;
 - (3) Public health and safety issues associated with the pilot project;
- [(3)] (4) The degree of compliance by owners and occupants of residences [and businesses] with the [refuse] recyclable materials separation procedures;



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- [(4)] (5) The efficiency and effectiveness of the mandatory and voluntary source separation of recyclable [refuse] materials in removing recyclable [refuse] materials from solid waste;
- [(5)] (6) The amount of landfill space saved by recycling the recyclable [refuse:] materials; and
- [(6)] (7) The impact on the H-power project of removing the recyclable [refuse] materials from the disposal system.
- (g) A recommendation [of the future status of] on the city's future program for recycling shall be included in the report.
- (h) Within the boundaries of the selected area, there shall be a nonrefundable unit charge for the second day of collection per week of refuse generated by household units with city-provided automated carts for recyclable materials, as designated by the director. Such household units provided with automated collection requiring a second day per week of refuse collection service shall be assessed the minimum charge of \$30 per calendar quarter.
- (i) Within the boundaries of a selected area for the recycling pilot project, the division shall not collect any refuse other than the first day of collection per week of refuse from any residence where the owner or occupant thereof has not paid the minimum charge per calendar quarter for the second day of collection per week of refuse as provided in subsection (h)."

SECTION 7. Chapter 9, Article 1, Revised Ordinances of Honolulu 1990, is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

"Sec. 9-1. Charge for damage to carts.

City-provided carts are the responsibility of the owner and/or occupant. If the department determines the city-provided cart must be replaced due to intentional damage by the owner and/or occupant and not due to normal wear and tear of the cart, the owner shall be assessed a unit charge of \$75 per cart."

SECTION 8. On or before February 1, 2009, the department shall start implementation of a comprehensive, island-wide recycling program, subject to the availability of funds and based upon the results of the recycling pilot project. The



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE 07-45

BILL 63 (2007), CD2

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department may contract with a private person to store, process, sell or transport the recyclable materials on behalf of the department.

SECTION 9. Ordinance material in Sections 2 through 7 to be repealed is bracketed; new material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



CITY COUNCIL
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SECTION 10. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Barbara Marshall (BR)

DATE OF INTRODUCTION:

August 09, 2007
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Paul Her
Deputy Corporation Counsel

APPROVED this 26th day of November, 2007.

Mufi Hannemann
MUFU HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 07-45

BILL 63 (2007), CD2

Introduced: 08/09/07 By: BARBARA MARSHALL (BR)

Committee: PLANNING &
SUSTAINABILITY

Title: A BILL FOR AN ORDINANCE RELATING TO SOLID WASTE.

Links: [BILL 63 \(2007\)](#)
[BILL 63 \(2007\), CD1](#)
[BILL 63 \(2007\), CD2](#)
[D-643\(07\)](#)
[CR-308](#)
[CR-346](#)

COUNCIL	08/15/07	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PLANNING AND SUSTAINABILITY.
	APO Y	CACHOLA E DELA CRUZ Y DJOU E GARCIA Y
	KOBAYASHI Y	MARSHALL N OKINO Y TAM Y
PLANNING & SUSTAINABILITY	09/04/07	CR-308 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN CD1 FORM. PUBLIC HEARING TO BE SCHEDULED AT A LATER DATE.
COUNCIL	09/19/07	CR-308 ADOPTED, BILL PASSED SECOND READING AS AMENDED (BILL 63 (2007), CD1) AND REFERRED TO PLANNING AND SUSTAINABILITY COMMITTEE. (BILL 63 (2007), PROPOSED CD1, FD1 WAS NOT CONSIDERED)
	APO Y	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL Y OKINO Y TAM Y
PUBLISH	09/24/07	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
PLANNING & SUSTAINABILITY	09/25/07	CR-346 – BILL 63 (2007), PROPOSED CD2 REPORTED OUT OF COMMITTEE FOR SCHEDULING OF A PUBLIC HEARING.
PUBLISH	10/06/07	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
COUNCIL/PUBLIC HEARING	10/17/07	CR-346 ADOPTED, PUBLIC HEARING CLOSED AND BILL 63 (2007), PROPOSED CD2 REFERRED TO COMMITTEE ON PLANNING AND SUSTAINABILITY.
	APO Y	CACHOLA E DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL Y OKINO Y TAM Y
PLANNING & SUSTAINABILITY	10/23/07	CR-389 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.
COUNCIL	11/07/07	CR-389 ADOPTED AND BILL AS AMENDED (BILL 63 (2007), CD2) PASSED THIRD READING.
	APO E	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL Y OKINO Y TAM Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


DENISE C. DE COSTA, CITY CLERK


BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER